

REMARKS

This Response is submitted in reply to the Office Action dated June 21, 2010. Claims 14-25 are currently pending. Claims 14 and 25 are in independent form. No claims are being amended by way of this response. Favorable reconsideration is respectfully requested. Please charge deposit account 02-1818 for all fees due in connection with this Response.

The Office Action rejected claims 14 and 25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,968,309 to Makinen et al. ("Makinen") in view of U.S. Patent No. 6,721,707 to Chu et al. ("Chu") and further in view of U.S. Patent No. 6,530,055 to Fukunaga ("Fukunaga"). Applicants respectfully disagree with, and traverse, such rejections.

Independent claim 14 recites, among other elements, "determining if the error concealment was performed by evaluating the data received." Similarly, independent claim 25 recites, among other elements, "determining if the error concealment was performed by evaluating and statistically analyzing the received data."

Makinen, *Chu*, and *Fukunaga*, alone and in combination, fail to teach the foregoing claimed elements for at least the following reasons. The Office action concedes that *Makinen* and *Chu* fail to teach this feature (OA page 6). *Fukunaga* also fails to teach this feature. *Fukunaga* merely teaches checking error flags and checking for fatal errors within a coding unit (e.g., a frame). Checking error flags and checking for fatal errors is not "determining if the error concealment was performed" as currently claimed.

The decoding system described in *Fukunaga* operates on units of data called "coding units." For example, "[i]f the coding unit is a frame, the decoding unit 102 decodes the temporal-reference field. If the coding unit is a slice, the decoding unit 102 also decodes the macroblock numbers indicating, for example, the start and end of the slice." (*Fukunaga* col. 7, l. 65 – col. 8, l. 2)

"The error-handling switching unit 105 compares the starting position of the coding unit with the ending position of the preceding coding unit (step S12). The error-handling switching unit 105 thereby decides whether any coding units have been lost

between the current and preceding coding units (step S13). In case of loss [coding unit(s)], the second error-concealment unit 108 generates data for the lost coding unit or units, thereby concealing the error (step S14)." (*Fukunaga* col. 8, ll. 4 – 9) In other words, S14 inserts data for missing coding units (e.g., entire frames) before moving on to the next coding unit.

The Office action indicates that units S15 and S18 of Fig. 5 of *Fukunaga* "check to see if error concealment [by S14] was performed" (OA page 7). This is a mischaracterization of *Fukunaga*. At S15, the systems of *Fukunaga* "checks error flags to determine whether the coding unit about to be decoded is flagged as containing erroneous data (step S15)." (*Fukunaga* col. 8, ll. 11-13) However, S14 inserts data for missing coding units (if any) prior to the coding unit about to be decoded. S15 is not looking back that far in time, and is not checking if S14 performed any error concealment.

The Office action states that "[i]f an error is still present [at S15 or S18], error concealment was not performed" (OA page 7). Applicants respectfully disagree. If an error is present at S15 or S18, error concealment at S14 may or may not have been performed at S14. If there was one or missing coding units (e.g., frames) prior to the current coding unit, error concealment at S14 was performed. If there were no missing coding units (e.g., frames) prior to the current coding unit, error concealment at S14 was not performed. Whether error concealment was performed at S14 is completely unrelated to whether there are any errors within the current coding unit.

Therefore, *Fukunaga*, alone or in combination with *Makinen* and/or *Chu* does not disclose, teach, or suggest "determining if the error concealment was performed" as recited in claims 14 and 25.

Each of the other pending claims depends directly or indirectly from independent claim 14. Therefore, for the reasons provided above, Applicants submit that all of the pending claims are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and in the absence of more pertinent art such action is courteously

solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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